

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Mark William Droesser, *et al.*,

Plaintiffs, Case No. 19-12365

v.

Judith E. Levy
United States District Judge

Ford Motor Company,

Mag. Judge Anthony P. Patti

Defendant.

_____/

**ORDER STRIKING FIRST AMENDED COMPLAINT [17, 18] AND
REQUIRING PLAINTIFFS TO COMPLY WITH FEDERAL RULE
OF CIVIL PROCEDURE 15(A)(2)**

Plaintiffs Mark Droesser *et al* are members of a putative Class who allege that they were harmed by buying Defendant Ford Motor Company's vehicles, which contained "defective fuel injection pump[s] that [are] substandard for American fuel." (ECF No. 1, PageID.22-23.) Plaintiff filed this action on August 9, 2019. (*Id.* at PageID.1.)

On December 2, 2019, Plaintiffs filed a motion requesting permission to file a partially redacted first amended complaint. (ECF No. 16.) Plaintiffs also filed two copies of the first amended complaint: one redacted, and one unredacted but sealed. (ECF Nos. 17, 18.)

However, before Plaintiffs can address the question of whether they may redact their amended complaint, Plaintiffs must first obtain permission to file an amended complaint. Plaintiffs are attempting to amend their complaint more than 21 days after serving it. Therefore, the Federal Rules of Civil Procedure require that Plaintiffs first obtain the consent of either the Court or the opposing party. *See* Fed. R. Civ. P. 15(a)(2). Plaintiffs do not allege that Defendant gave its consent to amend the complaint,¹ and Plaintiffs have not requested permission from the Court.

When a party seeks to amend its complaint pursuant to Rule 15(a)(2), the Court “should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). However, Plaintiff’s redaction motion gave no indication as to why justice requires leave to file the amended complaint.

¹ Plaintiffs did note in their motion that “opposing counsel generally concurs in the relief sought, insofar that it agrees that the content Plaintiffs have designated for redaction is confidential and thus should be redacted.” (ECF No. 16, PageID.4025.) However, it is not clear from this statement that Defendant provided “written consent” to the filing of the complaint itself, as opposed to consent that certain items be redacted. *See* Fed. R. Civ. P. 15(a)(2).

Therefore, Plaintiff's two copies of the amended complaint are STRICKEN, and Plaintiff is ORDERED to file a motion complying with Rule 15(a)(2) by **December 19, 2019**.

IT IS SO ORDERED.

Dated: December 5, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 5, 2019.

s/William Barkholz
Case Manager